

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	3:09-cr-251 (WWE)
	:	
JUAN HERNANDEZ,	:	

RULING ON DEFENDANT’S MOTION FOR RECOMMENDATION

Now pending before the Court is defendant Juan Hernandez’s motion (Doc. #277) requesting that the Court recommend that defendant be placed in a minimum security institution and that the Bureau of Prisons (“BOP”) consider the Court’s recommendation pursuant to 18 U.S.C. § 3621(b)(4)(B). The United States has taken no position on defendant’s motion.

On April 21, 2010, defendant pleaded guilty to one count of conspiracy to possess with intent to distribute heroin, 21 U.S.C. §§ 841(b)(1)(B) and 846. On March 14, 2011, the Court sentenced defendant to a term of imprisonment of twenty-four months followed by three years of supervised release. Judgment was entered on March 14. Defendant has no prior criminal record.

At sentencing, defendant did not request that he be placed in a minimum security facility. Upon defendant’s request, the Court did recommend that the BOP place defendant in a facility in close proximity to his home. Defendant has been designated to Brooklyn Metropolitan Detention Center.

In accordance with defendant’s unopposed request, the Court hereby recommends to the BOP that defendant Juan Hernandez be placed in a minimum security institution, preferably close to the state of Connecticut. See United States v.

Cardona, 2009 U.S. Dist. LEXIS 93797 (D. Conn. Oct. 5, 2009); United States v. Palacios, 2007 U.S. Dist. LEXIS 65644 (S.D. Cal. July 14, 2007). The BOP shall consider this Court's recommendation pursuant to 18 U.S.C. § 3621(b)(4)(B). This conclusion serves as a grant of defendant's motion.

Dated at Bridgeport, Connecticut, this 29th day of April, 2011.

/s/

Warren W. Eginton
Senior United States District Judge